

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
Kamaljit S. Paul

Group Art Unit: Unassigned

Serial Number: Unassigned

Examiner: Unassigned

Filed: Concurrently herewith

For: BONE TREATMENT PLATE ASSEMBLY

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to Applicant's duty of disclosure set forth in 37 C.F.R. §1.56, the Applicant wishes to bring to the Examiner's attention the references listed on the attached PTO Form 1449.

No representation is made, and no representation is intended, that more relevant material does not exist or that the order of presentation of these materials in any way reflects their relative pertinence. The references cited on the attached PTO Form 1449 are not intended to constitute an admission of any kind. Specifically, this presentation is not an admission that any of the items listed on the attached PTO Form 1449 are properly citable against the above-identified application.

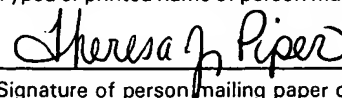
"Express Mail" mailing label number: EV263454119US

Date of Deposit: October 22, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

Theresa J. Piper

Typed or printed name of person mailing paper or fee)



Signature of person mailing paper or fee)

In accordance with the provisions of 37 C.F.R. §1.98, the references are listed on the attached PTO Form 1449 and copies are submitted herewith. The attached copies may have been pulled from Applicant's or assignee's file. Accordingly, some of the references may have written indicia thereon. It is requested that the Examiner ignore all such written indicia as such indicia may not be relevant to the instant case or may not be an accurate characterization of the reference.

This Information Disclosure Statement is being filed before issuance of a first Office Action or within three months of the filing date of the referenced patent application. Accordingly, no fee is due. Nevertheless, the Commissioner is hereby authorized to charge payment of any additional fees due under 37 C.F.R. §1.17 or credit any overpayment to Deposit Account No. 23-2130.

It is Applicant's desire to have these references available in the record for both the Examiner and the public to review. Applicant, therefore, requests that the Examiner review the entire disclosure of each reference and make all references of record.

U.S. Patent Documents:

4,503,848	Caspar et al.
4,513,744	Klaue
5,324,290	Zdeblick et al.
5,344,421	Crook
5,569,251	Baker et al.
5,578,034	Estes
5,616,142	Yuan et al.
5,616,144	Yapp et al.
5,676,666	Oxland et al.
5,681,311	Foley et al.
5,728,127	Asher et al.
5,876,402	Errico et al.
5,904,683	Pohndorf et al.
5,951,558	Fiz
5,954,722	Bono
6,017,345	Richelsoph
6,030,389	Wagner et al.
6,106,557	Robioneck et al.
6,129,730	Bono et al.
6,139,550	Michelson
6,152,927	Farris et al.
6,159,213	Rogozinski
6,193,721	Michelson
6,224,602	Hayes

6,235,034	Bray
6,238,396	Lombardo
6,241,731	Fiz
6,293,949	Justis et al.
6,306,139	Fuentes
6,364,881	Apgar et al.
6,402,756	Ralph et al.
6,454,771	Michelson
6,458,133	Lin
6,503,250	Paul
6,533,786	Needham et al.
6,602,255	Campbell et al.
6,602,256	Hayes
2002/0151899	Bailey et al.
2003/0018335	Michelson
2003/0045880	Michelson
2003/0083658	Hawkes et al.

Foreign Patent Documents:

WO 00/24325	PCT
WO 00/64359	PCT
WO 01/26566	PCT
WO 01/26567	PCT
1,505,513	France
2,778,088	France
DE 44 09 833	Germany

Other Documents:

"Blackstone™ Anterior Cervical Plate," Blackstone Medical Inc., Product literature, date unknown, 4 sheets.

"CSLP Variable Angle: For Use with the Cervical Spine Locking Plate System," Technique Guide, 2000 SYNTHES® Spine, 28 sheets.

Zdeblick, M.D., Thomas A. et al. "PREMIER™ ANTERIOR CERVICAL PLATE SYSTEM." Surgical Technique, 2000 Medtronic Sofamor Danek, 30 sheets.

Health Journal, Tara Parker-Pope, The Wall Street Journal, 01/2001, 1 sheet.

C-TEK Anterior Cervical Plate, 2001 Interpore Cross International, 1 sheet.

C-TEK Anterior Cervical Plate System, Interpore Cross, 10/2000, 1 sheet.

WINDOW Cervical Stabilization System, 2000 Endius, Inc., 10 sheets.

CASPAR Instruments for Anterior Cervical Fusion, AESCULAP, date unknown, 2 sheets double-sided.

Other Documents: (continued)

NDC Internet data sheets, date unknown, 3 sheets.

Ni-Ti alloy Internet Data Sheets, printed 12/05/2001, 4 sheets.

AESCULAP, Advanced Biomechanical Concept, date unknown, 11 sheets.

ORIA Zenith, Product Specifications, 03/2003, 18 sheets.

ZENITH, the perfect alliance for successful cervical fusions, Internet data sheets downloaded 04/2003, 2 sheets.

Patent Application, Serial #10/014,409, filed 12/14/01, Bone Support Assembly, 7 sheets double-sided.

"The Market for Spinal Implants," Internet data sheets downloaded 05/2001, 4 sheets.

Respectfully submitted,
Kamaljit S. Paul




Customer Number: 23482

PATENT TRADEMARK OFFICE

October 22, 2002
Wilhelm Law Service
100 W. Lawrence St., Third Floor
Appleton, Wisconsin
920-831-0100
920-831-0101FAX

By:


Thomas D. Wilhelm
Attorney for Applicant
(Reg. No. 28,794)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

5

Complete if Known

Application Number	Unassigned
Filing Date	Concurrently herewith
First Named Inventor	Kamaljit S. Paul
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	29722

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 4,503,848	03/12/1985	Caspar et al.	
		US- 5,324,290	06/28/1994	Zdeblick et al.	
		US- 5,344,421	09/06/1994	Crook	
		US- 5,569,251	10/29/1996	Baker et al.	
		US- 5,578,034	11/26/1996	Estes	
		US- 5,616,142	04/01/1997	Yuan et al.	
		US- 5,616,144	04/01/1997	Yapp et al.	
		US- 5,676,666	10/14/1997	Oxland et al.	
		US- 5,681,311	10/28/1997	Foley et al.	
		US- 5,728,127	03/17/1998	Asher et al.	
		US- 5,876,402	03/02/1999	Errico et al.	
		US- 5,904,683	05/18/1999	Pohndorf et al.	
		US- 5,951,558	09/14/1999	Fiz	
		US- 5,954,722	09/21/1999	Bono	
		US- 6,017,345	01/25/2000	Richelsoph	
		US- 6,030,389	02/29/2000	Wagner et al.	
		US- 6,106,557	08/22/2000	Robioneck et al.	
		US- 6,129,730	10/10/2000	Bono et al.	
		US- 6,139,550	10/31/2000	Michelson	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 00/24325	05/04/2000	Alphatec Manu.		
		WO 00/64359	11/02/2000	Harrington		
		WO 01/26566	04/19/2001	SDGI Holdings		
		WO 01/26567	04/19/2001	Interpore Cross		
		FR 1,505,513	12/15/1967	Benoist&Girard		
		FR 2,778,088	11/05/1999	Societe De Fabr		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 2 of 5

Compleat if Known

Application Number	Unassigned
Filing Date	Concurrently herewith
First Named Inventor	Kamaljit S. Paul
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	29722

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 6,152,927	11/28/2000	Farris et al.	
		US- 6,159,213	12/12/2000	Rogozinski	
		US- 6,193,721	02/27/2001	Michelson	
		US- 6,224,602	05/01/2001	Hayes	
		US- 6,235,034	05/22/2001	Bray	
		US- 6,238,396	05/29/2001	Lombardo	
		US- 6,241,731	06/05/2001	Fiz	
		US- 6,293,949	09/25/2001	Justis et al.	
		US- 6,306,139	10/23/2001	Fuentes	
		US- 6,364,881	04/02/2002	Apgar et al.	
		US- 6,402,756	06/11/2002	Ralph et al.	
		US- 6,454,771	09/24/2002	Michelson	
		US- 6,458,133	10/01/2002	Lin	
		US- 6,503,250	01/07/2003	Paul	
		US- 6,533,786	03/18/2003	Needham et al.	
		US- 6,602,255	08/05/2003	Campbell et al.	
		US- 6,602,256	08/05/2003	Hayes	
		US- 2002/0151899	10/17/2002	Bailey et al.	
		US- 2003/0018335	01/23/2003	Michelson	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		DE 44 09 833	10/05/1995	Biedermann Mote		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	Unassigned
Filing Date	Concurrently herewith
First Named Inventor	Kamaljit S. Paul
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	29722

Sheet 4 of 5

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		"Blackstone™ Anterior Cervical Plate," Blackstone Medical Inc., Product literature, date unknown, 4 sheets.	
		"CSLP Variable Angle: For Use with the Cervical Spine Locking Plate System," Technique Guide, 2000 SYNTHES® Spine, 28 sheets.	
		Zdeblick, M.D., Thomas A. et al. "PREMIER™ ANTERIOR CERVICAL PLATE SYSTEM." Surgical Technique, 2000 Medtronic Sofamor Danek, 30 sheets.	
		Health Journal, Tara Parker-Pope, The Wall Street Journal, 01/2001, 1 sheet.	
		C-TEK Anterior Cervical Plate, 2001 Interpore Cross International, 1 sheet.	
		C-TEK Anterior Cervical Plate System, Interpore Cross, 10/2000, 1 sheet.	
		WINDOW Cervical Stabilization System, 2000 Endius, Inc., 10 sheets.	
		CASPAR Instruments for Anterior Cervical Fusion, AESCULAP, date unknown, 2 sheets double-sided.	
		NDC Internet data sheets, date unknown, 3 sheets.	
		Ni-Ti alloy Internet Data Sheets, printed 12/05/2001, 4 sheets.	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Unassigned
				Filing Date	Concurrently herewith
				First Named Inventor	Kamaljit S. Paul
				Art Unit	Unassigned
				Examiner Name	Unassigned
Sheet	5	of	5	Attorney Docket Number	29722

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		AESCULAP, Advanced Biomechanical Concept, date unknown, 11 sheets.	
		ORIA Zenith, Product Specifications, 03/2003, 18 sheets.	
		ZENITH, the perfect alliance for successful cervical fusions, Internet data sheets downloaded 04/2003, 2 sheets.	
		Patent Application, Serial #10/014,409, filed 12/14/01, Bone Support Assembly, 7 sheets double-sided.	
		"The Market for Spinal Implants," Internet data sheets downloaded 05/2001, 4 sheets.	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.